

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLIE B. BUSH, JR.,)	4:09CV3140
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHAEL THURBER, Director,)	
)	
Defendant.)	

The plaintiff filed his complaint in this matter while he was incarcerated. (Filing No. [1](#).) The plaintiff also filed a motion for leave to proceed in forma pauperis (“IFP”) while he was incarcerated. (Filing No. [2](#).) The plaintiff has paid \$2.53 of the \$350 filing fee as of the date of this order. (See [Docket Sheet](#).)

According to the Plaintiff’s Notice of Change of Address (filing no. [14](#)), the plaintiff is no longer incarcerated. Therefore, he must file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. See, e.g., [McGann v. Comm’r, Social Security Admin.](#), 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). The plaintiff may, in the alternative, pay the entire \$350.00 filing fee. However, if the plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by December 24, 2009, this case will be subject to dismissal without further notice.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall send to the plaintiff Form AO 240, “Application to Proceed Without Prepayment of Fees and Affidavit.”
2. By December 24, 2009, the plaintiff shall either file a new Application

to Proceed IFP or pay the court's \$350 filing fee. If the plaintiff fails to comply with this memorandum and order, this case may be subject to dismissal after December 24, 2009, without further notice.

3. The plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: December 24, 2009: deadline for the plaintiff to file new IFP application or pay filing fee.

Dated November 24, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge